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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*In re Google Play Consumer Antitrust  
Litigation*

No. 3:20:CV-05761 JD

*Related Actions: Epic Games, Inc. v. Google,  
LLC; 3:20-CV05671-JD In re Google Play  
Developer Antitrust Litigation, 3:20-CV-5792-  
JD*

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES  
SHOULD BE RELATED PURSUANT  
TO CIVIL L.R. 3-12**

Pursuant to Civil Local Rule 3-12, Plaintiff Jared Stark respectfully moves this Court to consider whether his recently filed case, *Stark. v. Google LLC et al.*, No. 5:20-cv-8309. (filed Nov. 24, 2020) (“*Stark*”), should be related to *In re Google Play Consumer Antitrust Litigation*, No. 3:20-cv-05761-JD, the lowest-numbered, related case. *See also* Order on Consolidation, ECF No. 78 in Case No. 20-05761.

**I. RELEVANT BACKGROUND**

On August 16, 2020, Mary Carr filed an antitrust action against Google alleging that Google's unlawful monopolization of and exclusionary conduct in the market in which Android apps are distributed enables Google to impose a supra-competitive 30% fee on apps purchased from the Google Play store. Additional class actions on behalf of consumers were filed, as noted in the following table:

Case Name	Date filed	Class
1. <i>Carr v. Google LLC et al.</i> , No. 3:20-cv-05761-JD (“ <i>Carr</i> ”)	Aug. 16, 2020	Consumer
2. <i>Bentley et al. v. Google LLC et al.</i> , No. 4:20-cv- 07079-DMR (“ <i>Bentley</i> ”)	Oct. 9, 2020	Consumer
3. <i>McNamara. v. Google LLC et al.</i> , No. 3:20-cv-07361- JCS (“ <i>McNamara</i> ”)	Oct. 20, 2020	Consumer
4. <i>Herrera. v. Google LLC et al.</i> , No. 3:20-cv-07365- JD (“ <i>Herrera</i> ”)	Oct. 20, 2020	Consumer
5. <i>Carroll. v. Google LLC</i> , No. 3:20-cv-07379- JD (“ <i>Carroll</i> ”)	Oct. 21, 2020	Consumer
6. <i>Roberts. v. Google LLC et al.</i> , No. 3:20-cv-07824- RS (“ <i>Roberts</i> ”)	Nov. 5, 2020	Consumer
7. <i>Gamble. v. Google LLC et al.</i> , No. 3:20-cv-07984- JD (“ <i>Gamble</i> ”)	Nov. 12, 2020	Consumer

This Court Ordered the *Carr*, *Bentley*, *McNamara*, *Herrera*, *Carroll*, and *Gamble* class actions consolidated into *Google Play Consumer Antitrust Litigation* on November 20, 2020. *See* Order Re Consolidation, ECF No. 78. *Roberts* was filed in this district on November 5, 2020 and has not yet been related to or consolidated with *Google Play Consumer Antitrust Litigation*.

At an Initial Case Management Conference held on October 8, 2020, this Court noted that “[c]onsolidation for all pre-trial and trial purposes is limited to *Carr*, 20-5761, and *Pure Sweat*, 20-5792, as well as *Peekya Services*, 20-6772, which is related without opposition. Plaintiffs in those cases will file a consolidated amended complaint by October 21, 2020.” *See* Civil Minutes of Initial Case Management Proceedings, ECF No. 66 (Oct. 9, 2020). On November 23, 2020,

1 the Court ordered the consumer plaintiffs to file a consolidated complaint by December 28, 2020.  
 2 Order, ECF No. 80.

## 3 **II. LEGAL STANDARD FOR RELATING CASES**

4 “Whenever a party knows or learns that an action, filed in or removed to this district is  
 5 (or the party believes that the action may be) related to an action which is or was pending in this  
 6 District as defined in Civil L.R. 3-12(a), the party must promptly file in the lowest-numbered  
 7 case an Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil  
 8 L.R. 7-11.” Civil L.R. 3-12(b). Under Civil Local Rule 3-12(a), “[a]n action is related to another  
 9 when: (1) The actions concern substantially the same parties, property, transaction or event; and  
 10 (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or  
 11 conflicting results if the cases are conducted before different Judges.” Civil L.R. 3-12(a).  
 12

## 13 **III. THE ACTIONS SHOULD BE RELATED**

14 The *Stark* action involves substantially the same subject matter as, and overlapping  
 15 defendants in, the *Carr*, *Bentley*, *McNamara*, *Herrera*, *Carroll*, *Gamble* and *Roberts* cases. Each  
 16 complaint is brought on behalf of one or more plaintiff consumers; names Google LLC as a  
 17 defendant; challenges Google’s conduct with regard to the Google Play store; and alleges that  
 18 Google engaged in unlawful monopolization and restraints of trade, in violation of federal  
 19 antitrust law.  
 20

21 Plaintiffs in the consumer cases (*Carr*, *Bentley*, *McNamara*, *Herrera*, *Carroll*, *Gamble*  
 22 and *Roberts*) likely will seek the same or similar discovery from the Google entities and non-  
 23 parties, and Google likely will proffer common factual and legal defenses and expert witnesses  
 24 in each of the cases, thus rendering separate actions before different courts unduly duplicative,  
 25 burdensome, and likely to result in conflicting results.  
 26

1 **IV. CONCLUSION**

2 For the reasons set forth above, Plaintiffs respectfully request that the Court order the  
3 *Stark* case related to *In re Google Play Consumer Antitrust Litigation*, No. 3:20-cv-05761-JD,  
4 the lowest-numbered case in the consolidated consumer complaints.  
5

6  
7 DATED this 24th day of November, 2020.

8 KELLER ROHRBACK L.L.P.

9  
10 By /s/ Alison Chase

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